Clay Shaw files

JFK assassination records appeals Harold Weisberg 8/7/79
FBI refusal to search proper HQ and field office files - bad faith
Arbitrariness and capriciousness, in searches and exemptions claimed

In prior appeals that have not been acted upon I have specified files the FBI refused to search at HQ and the field offices. By providing illustrations from records that were released I have identified a number of these files. I have illustrated the arbitrariness and capriciousness of the claims to exemption, including privacy, and have appealed spurious claims to exemption by showing that more defamatory information relating to others (including me) was released. In this I add to these former appeals and to my prior appeals relating to the withholding of information on or about Clay Shaw.

Attached is 62-109060-4589, from Section 113. The same record is unrecorded in Section 231 of 105-82555, from which I also attach 5545.

For you to fully appreciate the deliberateness of the FBI's refusal to search to known files that are relevant I provide a bit of background. More is available if you desire it. I regard this as having additional historical importance because by untruth the FBI sought to make liars of the then new Attorney General, Clark, and George Lardner, whose reporting of what was embarrassing to the FBI was accurate. As a result the existing public record is that both Clark and Lardner were not accurate whereas they were.

About March 1, 1967, as he left his confirmation hearing, Clark was asked about Clay Shaw and Clay Bertrand. On the basis of FBI information he then said they were one and the same. This was a few weeks after knowledge of the Garrison investigation was public. The FBI had known of it for months.

The FBI resented any investigation because any investigation reflected on the FBI's earlier investigation. Apparently it did not anticipate that the AG would disclose what it had told him - and the White House. So about three months later the FBI issued a statement in which it denied what its own records, as illustrated by the attached, in fact do state and what it had told the AG and the White House. That statement was made to Clay Shaw's lawyers, who made it public, if the FBI did not disclose it first.

While as I have informed you Garrison needed no help in going wrong by this and by

other means it Cointelpro'ed him. The degree to which this was done openly with those the FBI trusted is reflected in what I previously informed you about, virtual parties at the New Orleans field office participated in by persons ranging from David Ferrie to reporters trusted by the field office. As I told you I have the notes of one such reporter.

In 4389 the Director informed the White House of the FBI's "data alleging that Clay Shaw is identical with Clay Bertrand..." On the same day there is the radio message from the San Antonio office, there is this language: "Merep March 25, 1964 (emphasis added) page 15 reflects an sadistic, masochistic, and homosexual character of Clay Shaw, reported arrested yesterday." And while I do not regard homosexuality as having any connection with the assassination itself, there is this language from the memo attached to the letter to the White House: "One source informed this Bureau on March 10, 1964 (emphasis added) that he has had relations of a homosexual nature with Clay Shaw."

This and similar information is withheld from the New Orleans and Dallas records provided in C.A. s 78-0322 and 0420. The basis for these statements, which exist in underlying records at FBIHQ, also remain withheld from me, to the best of my knowledge. I have ready many but not all the FBIHQ records. That Dallas files hold such records does not rest alone on the assumption of the following of usual practise in providing records to the Office of Origin. San Antonio's radio message was sent to Dallas and New Orleans, not only FBIHQ.

The FBI's manipulation of the media, public officials and what the country could know and would believe in many instances was more important to it and occupied more of its time and effort than its proper function, law enforcement. I believe this is a significant factor in FOIA requests and appeals, my point in adding this emphasis in the hope that you will expedite this and related appeals because they relate to ongoing litigation and because false FBI representations to the courts is its norm.

Shaw is both acquitted and dead so there is no privacy question relating to him. He never married. (Reportedly he once almost married a lesbian to give each a cover

each came to desire but they could not agree on which hone they'd use.) However, I agree in advance to the withholding of names of C Shaw's lover who are still alive, despite the AG's policy statement of 5/5/77, under which these names cannot be withheld. My knowledge is of a ~~decade~~ decade ago so I cannot inform you except of what I then knew.

How I came upon this knowledge when Shaw was never the subject of any of my personal investigations in New Orleans addresses the relevance of this withheld information in ways that may not be apparent to you. Aside from Garrison and his irresponsibilities and conjectures he represented as facts Shaw is inextricably involved in the events that were the subject of investigation at the time of the investigation. The memo sent to the White House misrepresents parts of this where it provides a less than honest representation of what the lawyer Dean Andrews actually said. Contrary to the thrust and language of this memo Andrews was confirmed, including to the FBI, by not fewer than three many people directly and indirectly by others. Andrews testified to the Warren Commission that the FBI applied such pressures on him that he decided the only way to get it off his back was to tell it anything it wanted to hear. He reaffirmed his earlier statements relating to Oswald, homosexuals and Clay Bertrand (as having asked him to defend Oswald) to the Warren Commission. On Clay Bertrand Andrews was confirmed by his lawyer friend Sam (Monk) Zelden, to the FBI and in greater detail that the FBI reports in records thus far made available to me personally on a number of occasions, in his office, his home and at a prominent New Orleans restaurant. And once in the presence of a judge not involved in the Garrison prosecution in still another restaurant.

Why Oswald selected the building Shaw managed for his demonstration designed to get him the TV attention he did get I don't know but of all the available places in New Orleans Oswald did select that building. The building and Shaw had CIA connections that were not public knowledge and relating to which the FBI still withholds information.

(In this connection I will be providing you with further information having to do with the Oswald associate in his propaganda activities I carry in what I have identified to you as my "Third Man" file and with the content of the WDSU-TV Oswald footage that no longer exists but is described as broadcast by the FBI's records in the Sections

from which the attached records came.)

The FBI did not provide the Warren Commission with the information it gave the AG and the White House although the relevance of this "Clay Bertrand" information is obvious, as is the FBI's motive in attempting to destroy Dean Andrews credibility over what he said about Clay Bertrand and testified to.

I underscored the date above to emphasize that this was long before Garrison and was prior to Andrews testimony before the Commission.

Whether or not Shaw was an FBI source, as I believe he was and would have been right and proper, to my knowledge the FBI had other sources in Shaw's offices. With the kinds of people the Shaw office brought to New Orleans, like Sanroma, informing the FBI was necessary. None of this is in the records not still withheld. Covering that was virtually a beat for since retired SA Warren DeBruyne. As I have also informed you this is relevant in a New York FOIA case the complaint in which Mr. Lesar has and can provide, although your office has knowledge from the appeal.

I also call your attention to the fact that while the FBI was very much less than honest and did withhold from the Presidential Commission and has withheld since, once Shaw was charged it immediately boasted to the White House that "we know all about this all along." Its knee-jerk reaction to claim omniscience and completeness in its investigation constitutes absolute proof of its withholdings, the deliberateness of its withholdings, and that it accomplishes this by tricky filing and searching the wrong files and refusing to search the right files.